

# **LEGISLATIVE PRIORITIES OF THE JEWISH WAR VETERANS OF THE USA**

**As Presented By**

**NORMAN ROSENSHEIN  
NATIONAL COMMANDER**



**BEFORE A JOINT SESSION OF THE  
HOUSE AND SENATE  
VETERANS' AFFAIRS COMMITTEES**

**On March 8, 2007**

**JEWISH WAR VETERANS OF THE USA**



## **Norman Rosenshein National Commander**

Mr. Rosenshein served as Commander of the Department of New Jersey of the Jewish War Veterans from 1995-96. He served in the U.S. Army from December 8, 1964, until December 7, 1966, on active duty, and from then until December 7, 1970, on inactive standby. He was a Specialist 4th Class and the night supervisor for the Quartermaster School Television station at Fort Lee, Virginia, for 21 months.

After leaving the service he joined CBS television as a technician and worked both in New York's Broadcast Center and on the road making several trips overseas for the news division including Nixon's presidential trip to China where a temporary television station was build for the broadcasts. He also covered three political conventions for the news department, the last as a supervisor.

In 1979 he left CBS to join Unitel Video as a manager for system and long-range planning and in 1984 was promoted to Vice President of Engineering. During this time he build a facility to house the new headquarters for Unitel Video, which included three studios and five edit suites; in addition four more studios and three more edit suites were built in New York City and one expandable mobile unit was constructed. In 1993 he started his own business and has done the television wiring design for Rutgers University, Spectrum Arena in Philadelphia, Entertainment Sports Authority in Raleigh, NC and the Alegra Arena in Madrid, Spain, and numerous other arenas and stadiums.

Norman Rosenshein joined the Jewish War Veterans of the United States of America in January 1970. Since 1970 he has been an active member of David Blick Post 63 of

Elizabeth, NJ, and during that time has held all of the post offices. He has chaired their hospital committee, 40th, 45th and 50th Anniversary dinner dances and Souvenir Ad Journal. He held the quartermaster's office for over 20 years. During that time he also was Grand Marshal of the Elizabeth Veterans Day Parade. In 1992 he was Third District Vice commander. In 1993 he was elected Junior Vice Commander and then Senior Vice Commander in 1994 and became Department Commander in 1995. Following his term as Department Commander he took over as the Department Quartermaster for six years. He continues to serve as National Budget Officer and Vice-Chairman of the Technology Committee and as First Vice President of the National Museum of American Jewish Military History.

In addition to the Jewish War Veterans he is active in his congregation, having been a Vice President. He is also a member of the American Legion Argonne Post #6 of Elizabeth and VVA Chapter 779. He was appointed to the New Jersey Healthcare System Veterans Stakeholder Advisory Group in 1995 and presently serves on several of their committees.

He was born in Monticello, NY, and raised in Woodbourne, NY, attending local public schools and Orange County Community College. After college he worked for a local television and appliance repair shop before joining the army.

He is married to Freda Rosenshein (nee Plotkin), who was NJ Department President in 1990-91 and again in 1994-95, and they have two daughters Esther, 36, and Belle, 30, both of whom are JWVA Members and Past Presidents of their Auxiliary.

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## **INTRODUCTION**

Chairman Filner, Chairman Akaka, and Members of the House and Senate Committee on Veterans Affairs, my fellow veterans and friends, I am Norman Rosenshein, the National Commander of the Jewish War Veterans of the U.S.A. (JWV). JWV is Congressionally Chartered and also provides counseling and assistance to members encountering problems dealing with the Department of Defense (DoD), the Department of Veterans Affairs (VA), and other government agencies. JWV is an active participant in The Military Coalition, a group of over 30 military associations and veterans' organizations representing over five million active duty, reserve and retired uniformed service personnel and veterans on Capitol Hill.

I am accompanied today by the Chairman of our Coordinating Committee, PNC Robert M. Zweiman, who is also JWV's International Liaison, the President of our Ladies Auxiliary, Marie Vegotsky, the President of our National Museum of American Jewish Military History, PNC Jack Berman, the Chairman of our National Executive Committee, PNC Michael Berman, the Director of our National Service Office Program, PDC Ed Robins, and our National Executive Director, Colonel Herb Rosenbleeth. In the audience today are those JWV members who are here to meet with their Senators and Representatives as part of JWV's Capitol Hill Action Day.

Members of the committee, it was a singular honor for me to present the JWV Medal of Merit to Senator Daniel Akaka (HI), at our Congressional Reception yesterday evening, in recognition of his truly outstanding work for America's veterans. It was equally rewarding to JWV to have so many of you participate with us!

Mr. Chairman, next week, on March 15th to be exact, we at JWV will celebrate JWV's 111th birthday. For these 111 years, JWV has advocated a strong national defense and a just and fair recognition and compensation for veterans. The Jewish War Veterans of the USA prides itself in being in the forefront among our nation's civic and veterans groups in supporting the well-earned rights of veterans, in promoting American democratic principles, in defending universal Jewish causes and in vigorously opposing bigotry, anti-Semitism and terrorism both here and abroad. Today, even more than ever

before, we stand for these principles. The Jewish War Veterans of the U.S.A. represents a proud tradition of patriotism and service to the United States of America.

As the National Commander of the Jewish War Veterans of the USA (JWV), I thank you for the opportunity to present the views of our 100,000 members on issues under the jurisdiction of your committee. At the conclusion of JWV's 111th National Convention in Richmond, VA, our convention delegates adopted our resolutions for the 110<sup>th</sup> Congress. These mandates establish the legislative agenda for JWV during my year as National Commander.

JWV believes Congress has a unique obligation to ensure that veterans' benefits are regularly reviewed and improved to keep pace with the needs of all veterans in a changing social and economic environment. JWV salutes the Chairmen and Members of both the Senate and the House Veterans' Affairs Committee for the landmark veterans' legislation enacted over the past several years. Eligibility improvement, patient enrollment, long-term care, access to emergency care, enhanced VA/DoD sharing, improved preference rights of veterans in the federal government and other initiatives recognize the debt this country owes to those who have faithfully served our country.

We must improve access to veterans' health care, increase timeliness in the benefit claims process, and enhance access to national cemeteries and to state cemeteries for all veterans.

### **NO GOVERNMENT FUNDING**

The Jewish War Veterans of the USA, Inc. does not receive any grants or contracts from the federal government.

### **DVA FUNDING**

There are a significant number of troops returning stateside from deployments overseas with physiological and psychological disabilities and injuries such as Post Traumatic Stress Disorder. Unfortunately, the funding requests from the Department of Veterans Affairs and the response of the Congress have been driven more by politics than by need. The DVA has sought to cut the number of veterans being served as well as the spectrum

of services being provided to the detriment of those who honorably and bravely answered the call of our great Nation in its need. The only sure method of avoiding the politicalization of the annual funding process is to mandate adequate realistic financial support of the DVA.

The Jewish War Veterans of the USA demands Congress pass such legislation as would mandate the adequate funding of the DVA based on caseload, such caseload being set by all veterans who honorably served, rather than the arbitrary and capricious methodology of need being utilized.

JWV strongly urges Congress to ensure that sufficient funding is authorized and appropriated for the Department of Veterans Affairs in general, and for the Veterans Health Administration in particular, so that it can fulfill its obligation to care for all of our nation's sick and disabled veterans.

There have been too many years of under-funding the needs of our nation's veterans. Adequate funding of the VA, especially for health care, must be updated by the Congress and quickly!

### **MANDATORY FUNDING FOR THE VA**

JWV's major legislative goal continues to be the passage of Mandatory Funding for the VA, thus providing an assured adequate level of funding for veterans' health care. This legislation would require the Secretary of the Treasury to make available to the Secretary of Veteran Affairs for programs, functions, and activities of the Veterans Health Administration for FY 2008.

Demand for VA health care still outpaces the capacity to deliver care in a timely manner. Within the priority system established in law, Congress should appropriate sufficient funds for all veterans the VA has agreed to treat through the enrollment process. That's not happening today as more and more veterans are triaged for care on waiting lists. Even a Presidential Task Force (May 2003) strongly recommended full funding for enrolled veterans, but so far the administration and Congress have ignored the recommendation. Consistent with the Presidential Task Force, JWV supports "full [VA health care] funding . . . through modifications to the current budget and appropriations

process, [either] by using a mandatory funding mechanism, or by some other changes in the process that achieve the desired goal.”

Caring for our veterans is part of the cost of war. Caring for our veterans is a continuing cost of this nation’s national security!

### **POST TRAUMATIC STRESS DISORDER**

JWV is also focusing on legislation to improve programs for the identification and treatment of post-deployment mental health conditions, including post-traumatic stress disorder, in veterans and members of the Armed Forces.

Post traumatic stress disorders are extremely serious problems facing our returning veterans from Iraq and Afghanistan.

### **THE MILITARY COALITION**

JWV continues to be a proud member and active participant of the Military Coalition (TMC). PNC Bob Zweiman, JWV’s Chairman of the Coordinating Committee, serves on the Board of Directors of the Coalition and our National Executive Director, Colonel Herb Rosenbleeth, USA (Ret), serves as JWV’s Washington representative and as Co-Chair of the Coalition Membership and Nominations Committee.

JWV requests that the House and Senate Committees on Veterans’ Affairs do everything possible to fulfill the legislative priorities of the Military Coalition which are applicable to your committees. These positions are well thought out and are clearly in the best interests of our military personnel, our veterans and our nation’s security.

### **PRIORITY GROUP 8 VETERANS**

Since January 17, 2003, access to Department of Veterans Affairs (VA) care for new Priority 8 veterans has been prohibited. More than 260,000 veterans have applied to receive VA health care but have been turned away because of the cost-cutting decision to limit veterans’ access to VA hospitals, clinics and medications.

## **SUPPORT FOR THE NATIONAL GUARD AND RESERVE**

JWV seeks full veteran status for members of the Guard and Reserve components with 20 years or more service, but who do not otherwise qualify under current law as veterans.

All members of the Selected Reserve volunteer for service to the nation and are liable for activation in its defense. In the event that a reserve service member has not been called to federal active duty during a 20 or greater year service career, that service should qualify them for full status as veterans under the law. For example, it makes no sense that a “Gray Area” reservist-retiree could be entitled to TRICARE at age 60 but be barred from eligibility to apply for enrollment in the VA health care system. Twenty or more years of service in the reserve forces and qualification for reserve retired pay should be sufficient qualifying service for full veteran status under the law. This issue is a matter of honor to those who through no fault of their own were never activated, but served their nation faithfully for 20 or more years. Title 38 needs to be amended to include in the definition(s) of 'veteran' retirees of the Guard / Reserve components who have completed 20 or more years of service, but are not considered to be veterans under the current statutory definitions. (This goal is endorsed by TMC's Guard and Reserve Committee)

JWV recommends that Congress amend Title 38 to include in the definition(s) of ‘veteran’ retirees of the Guard/Reserve components who have completed 20 or more years of service, but are not considered to be veterans under the current statutory definitions.

## **THE INDEPENDENT BUDGET**

Jewish War Veterans is an endorser of the Independent Budget and we want to continue to emphasize the following points from the writers of this document;

Veterans must not have to wait for benefits to which they are entitled.

Veterans must be ensured access to high-quality medical care.

Veterans must be guaranteed access to the full continuum of health-care services, including long-term care.

Veterans must be assured burial in state or national cemeteries in every state.

Specialized care must remain the focus of the Department of Veterans Affairs (VA) medical system.

VA's mission to support the military medical system in time of war or national emergency is essential to the nation's security.

VA's mission to conduct medical and prosthetics research in areas of veterans' special needs is critical to the integrity of the veteran's health-care system and to the advancement of American medicine.

VA's mission to support health professional education is vital to the health of all Americans.

### **BACK-UP TO DOD**

VA Hospitals must be adequately funded, staffed and equipped to perform their vital role as this nation's only back-up for DoD medical facilities. U.S. military personnel could possibly suffer casualties exceeding the capacity of the combined military medical treatment facilities.

In such a case, the VA would be vital to the nation. J WV strongly urges the Congress to fund the VA to handle this potential workload.

### **HOMELAND SECURITY**

In addition to being the back-up for DoD, VA medical facilities are the nation's primary medical resource for Homeland Security. Should there be another catastrophic terrorist attack, especially in more than one location as occurred on 9/11; the VA would be utilized by the Department of Homeland Security.

Already, VA hospitals are preparing to handle mass casualties as well as victims of chemical, biological or radiological attack. J WV urges the Congress to fully recognize this mission of the VA and to fund the VA accordingly.

## **VETERANS HEALTH ADMINISTRATION**

With young American service members continuing to answer the nation's call to arms in every corner of the globe, we must now, more than ever, work together to honor their sacrifices. Those men and women who return from battle with career ending injuries and life changing memories will turn to VA for their health care; health care they have earned through their service to this country. VA must be funded at levels that will ensure that all enrolled eligible veterans receive quality health care in a timely manner.

### **THIRD PARTY REIMBURSEMENT AND MEDICAL CARE COLLECTIONS FUNDS**

Many veterans, especially those in Priority Groups 7 and 8, have private health insurance through employment and many of those veterans would choose VA as their primary health care provider were they able to do so. VHA is now authorized to bill most fee-for-service and point-of-service insurance carriers, such as Blue Cross/Blue Shield. Not so with Health Maintenance Organizations (HMOs) and Preferred Provider Organizations (PPOs). These payers simply reject VHA claims for reimbursement as "out of network." If these providers are federal contractors, they should not be allowed to reject VA care as part of their network.

As do all working citizens, veterans pay into the Medicare system without choice. A portion of each earned dollar is allocated to the Medicare Trust Fund and although veterans must pay into the Medicare system they cannot use their Medicare benefits at any VA health care facility. VA cannot bill Medicare for the treatment of Medicare eligible veterans' non-service connected medical conditions. JWV does not agree with this policy and supports Medicare reimbursement for VHA for the treatment of non service-connected medical conditions of enrolled Medicare-eligible veterans. As a Medicare provider, VHA would be authorized to bill and collect allowable third-party reimbursements from the Medicare Trust Fund for the treatment of non service-connected medical conditions of enrolled Medicare-eligible veterans.

## **LONG TERM CARE**

JWV believes that VA should take its responsibility to America's aging veterans seriously and provide the care mandated by Congress. Congress should do its part and provide adequate funding to VA to implement its mandates.

## **ASBESTOS TRUST FUND**

The Jewish War Veterans of the USA supports the establishment of a Trust Fund that would include veterans, their dependents and survivors which will ensure that claimants are adequately compensated for the illnesses and deaths arising out of their exposure to asbestos. Moreover, we believe it is only appropriate that any payments received from such Fund be in addition to and not offset by any compensation received from the Department of Veteran Affairs for service-connected disability.

JWV supports the Fairness in Asbestos Injury Resolution (FAIR ACT) that will establish a Trust Fund for victims, including veterans, who were exposed to asbestos during their military service.

The FAIR Act offers sick veterans a way to receive the compensation they deserve. Presently, it is difficult for veterans to turn to the courts for help with their asbestos related medical costs. Veterans are barred by law from suing their employer (the federal government) for compensation. By taking asbestos claims out of the court system, the FAIR Act will ensure veterans will have a speedy and just avenue for receiving compensation.

## **VETERANS BENEFITS ADMINISTRATION**

Official VA statistics indicate a substantial increase in initial claims and claims on appeal between 2005 and 2006. Coupled with pending claims for educational benefits, the VA system is now grappling with more than 825,000 claims. Specifically, as of 24 November 2006, total compensation and pension (C&P) claims were 604,380 -- up 79,110 from this time last year. Total appeals pending were 155,396 -- up 2,895 from this time last year. Total education claims pending were 69,775 -- down 25,094 from this time last year.

Total workload for the Veterans Benefits Administration is currently 829,551 – up 56,911 from this time last year.

Some particular areas of concern: the total number of cases pending longer than six months increased by 40,209 according to VA figures. Moreover, 15 VA regional offices exceed the national average for six-month cases by at least 5 percentage points.

JWV supports investment in the claims processing system including additional staff, uniform standards and procedures for rating claims, upgraded training, quality control and technology, and continued Congressional oversight of the system.

JWV urges Congress to ensure that the VA disability compensation program is preserved in its current form to protect the needs of current and future veterans. The JWV opposes and changes to current definitions of line of duty, structural changes to the programs for disability and survivors benefits, or curtailment of veterans or beneficiaries rights of entitlement, or to appeal benefit decisions.

## **VETERANS EDUCATION**

JWV commends Chairman Bob Filner for his outstanding work in the area of veterans' education.

The nation's active duty, National Guard and Reserve forces are operationally integrated under the Total Force policy, but educational benefits under the Montgomery GI Bill (MGIB) do not reflect the policy nor match benefits to service commitment. JWV is grateful to Congress for significant increases in active duty MGIB benefits enacted prior to 9/11, but little has happened since then. Basic benefits for active duty service (authorized under Chapter 30 of Title 38) have not kept pace with the average cost of education. MGIB benefit rates should be benchmarked to the average cost of a four-year public college or university education. For the Guard and Reserve, Reserve MGIB benefits have not been adjusted in many years (except for inflation). In fact, a senior DoD official recently testified (27 September 2006) that the Department was opposed to any reserve MGIB improvements. For the first 15 years of its existence, Reserve MGIB benefits (Chapter 1606, Title 10 USC) maintained almost 50% parity with active duty MGIB benefits. Slippage from the 50% level began following the September 11, 2001

attacks. Today the G-R MGIB pays less than 29% of the active duty program. To stimulate retention in the G-R, the 14-year in-service time limitation for initial entry MGIB benefits (Chapter 1606) should be lifted. Further, although Congress enacted special "mobilization MGIB" benefits for certain activated reservists in 2004, there is no readjustment authority under the program; in other words, a post-service entitlement to such benefits is the ONLY veteran's benefit denied those who have served their country on active duty.

A "total force" approach is needed to integrate all components of the MGIB under Title 38, benchmark benefits to the average cost of a public college education, and provide equity of benefits for service rendered. The MGIB is losing its value as a recruiting, reenlistment and retention tool, as Congress intended.

JWV supports the integration of all elements of the MGIB under title 38, benchmarking benefits to the cost of education, and authorizing benefit rates commensurate with service performed.

### **WOMEN IN THE MILITARY**

Sexual assaults have not been eliminated in Department of Defense facilities. These assaults have taken place at such bases as the Air Force Academy in Colorado Springs and have become only too common in war zones such as Afghanistan and Iraq.

The military fails to recognize that women have become a major source of military strength at the war fronts, making up over 15% of the military force, and represent a considerable percentage of students at the academies. As proof of the destructive effects of sexual assaults we now know that over 40% of our homeless women veterans were victims of such assaults.

Women in the Military are giving their lives for their country just as well as are men. By February, 2007, there were over 70 women's deaths reported in Iraq and Afghanistan and the number is growing rapidly.

The Jewish War Veterans of the USA acknowledges that women in the military are frequently not given fair treatment at the resulting hearings. The Jewish War Veterans of the USA demands that adequate measures be taken to give women a proper degree of respect and when these measures are violated that a fair and just hearing be convened without any derogatory fanfare surrounding such hearings. The military must take measures to ensure that women are not intimidated so that they hide these assaults.

### **MEETING THE SPECIAL NEEDS OF WOMEN VETERANS**

The Jewish War Veterans of the USA (JWV) recognizes that there are service-related problems unique to the woman veteran which continues to be inadequately met by the Department of Veteran Affairs. JWV supports the allocation of VA resources to fully fund women's centers at all major VA medical facilities and provide specially trained medical professionals at each veteran's outreach clinic. The services required include access to gynecologists, mammograms, mental health and rape counselors, as well as PTSD and Agent Orange screening.

### **HOMELESS VETERANS**

Fully fund all homeless programs and enhance community-based efforts. Require that homeless programs funded by the federal government offer a continuum of services to include: outreach, medical and rehabilitation treatment, long-term sheltered transitional assistance, and employment assistance. JWV is a member of the National Homeless Veterans Coalition!

### **CONCURRENT RECEIPT**

JWV greatly appreciates Congress' action to date, but strongly urges Congressional leaders and members to be sensitive to the thousands of disabled retirees who are not yet included in concurrent receipt legislation enacted over the past years. Specifically, as a priority, JWV urges the Congress to expand combat-related special compensation to

disabled retirees who were not allowed to serve 20 years solely because of combat-related disabilities.

Additionally, JWV urges the Congress to ensure the Veterans' Disability Benefits Commission protects the principles guiding the DoD disability retirement program and VA disability compensation system.

JWV applauds the Congress for all of the work that resulted in the landmark provisions in the FY 2004 National Defense Authorization Act that expand combat related special compensation to all retirees with combat-related disabilities and authorizes—for the first time ever—concurrent receipt of retired pay and veterans' disability compensation for retirees with disabilities of at least 50 percent. The FY 2005 National Defense Authorization Act provided additional relief to those with disabilities rated at 100 percent by immediately authorizing these retirees full concurrent receipt, effective January 2005. Disabled retirees everywhere are extremely grateful for this action to reverse an unfair practice that has disadvantaged disabled retirees for over a century.

**Comment [M1]:** IU cases are still subject to the offset.

While the concurrent receipt provisions enacted by Congress benefit tens of thousands of disabled retirees, a greater number are still excluded from the same program that eliminated the disability offset for those with 50 percent or higher disabilities. The fiscal challenge notwithstanding, the principle behind eliminating the disability offset for those with disabilities of 50 percent is just as valid for those with 40 percent and below, and JWV urges Congress to be sensitive to the thousands of disabled retirees who are excluded from current provisions.

As a priority, JWV asks the Congress to consider those who had their careers cut short because they became disabled by combat or combat-related events, and were medically retired before they could complete their careers. For these retirees, the disability offset still exists and it is difficult to explain to a lengthy career service member, disabled in combat, why his or her service (perhaps as much as 19 years) seems to have had no value. JWV urges the Congress to expand Combat Related Special Compensation to those medically retirees who had less than 20 years of service.

## **FILIPINO VETERANS**

As in the past, the Jewish War Veterans again support the "Filipino Veterans Equity Act" (H.R. 760), legislation which has been re-introduced by Chairman Bob Filner in the 110<sup>th</sup> session of Congress. In a recent February hearing in the House of Representatives Committee on Veterans' Affairs on the issue of benefits for Filipino World War II veterans, the witnesses testified to the urgency of passing this bill because the Filipino Veterans are elderly and dying. Only approximately 20,000 remain out of approximately 200,000 who were alive shortly after World War II. These are the men who were drafted into service by President Roosevelt and who fought side-by-side with soldiers from the mainland United States. H.R. 760 would restore all the benefits that were promised to these veterans and then rescinded by the 1946 Congress.

## **EX-PRISONERS OF WAR**

Jewish War Veterans joins all Americans in our deep appreciation for the sacrifices of POWs during their war time service for our country. We are, however, deeply concerned that two medical conditions unquestionably associated with those brutal conditions have yet to be made POW presumptives; osteoporosis and diabetes. As you know, establishing them as presumptive makes it possible for POWs to obtain well deserved, but long denied disability benefits. JWV strongly supports the enactment of legislation to accomplish this goal.

## **POW-MIAS**

There is one issue that we, in JWV, have repeatedly included in our testimony before Congress – the need to account as fully as possible for American's missing and unreturned veterans – our nation's POW/MIAs.

Though focused initially on accounting for the missing from the Vietnam War, the effort has expanded to include the Korean War, Cold War, and even scheduled remains recovery operations related to WWII.

Thanks to the unceasing determination of the National League of POW/MIA Families since 1970, there are now over 600 US specialists involved in this work around the world, mostly in Southeast Asia.

We want you in the Congress to understand that we strongly support these accounting efforts and urge that they continue to be fully manned and fully funded to ensure there is no decrease in priority to meet this national obligation.

It is crucial to the well-being of those serving the cause of freedom today, just as it is to those of us who served in earlier wars, to have complete confidence that if captured or missing, they won't be abandoned, that our country will do its very best to return us – alive or dead – to our families and to our country.

JWV asks that Captain Scott Speicher, USN, from the Gulf War in 1993, and SGT Matt Maupin from the current war in Iraq, not be forgotten. We ask that the combatant commanders in the region continue their ongoing efforts to obtain information, determine their fate, and return them, one way or another.

### **NATIONAL CEMETERY ADMINISTRATION (NCA)**

The National Cemetery Administration (NCA) is charged with meeting the interment needs of the nation's veterans and their dependents. There are approximately 14,200 acres within established installations in NCA. Just over half are undeveloped and, with available gravesites in developed acreage, have the potential to provide more than 3.6 million gravesites. More than 301,050 full-casket gravesites, 58,500 in-ground gravesites for cremated remains, and 37,900 columbarium niches are available in already developed acreage in our 120 national cemeteries. JWV commends the NCA in its efforts to meet its accessibility goal of 90 percent of all veterans living within 75 miles of open national or state Veterans cemeteries.

### **ADEQUATE REIMBURSEMENT OF EXPENSES**

Many veterans must travel considerable distances to access DVA facilities and services; and too often these services and facilities cannot be reached by public transportation. The cost of gasoline has skyrocketed to the point that the rate of reimbursement of \$0.11

per mile is unrealistic and makes the facilities and services beyond the reach of some of our neediest veterans because of financial constraints.

The Jewish War Veterans of the USA calls upon Congress to mandate a level of reimbursement of travel by veterans to the services and facilities of DVA which is realistic and equates to the actual expense incurred for privately owned vehicles or public transportation and suggests that reimbursement be at the level authorized by the Internal Revenue Service for travel necessitated by medical treatments. Such level of reimbursement should be automatically adjusted to reflect the Internal Revenue Service rate.

### **HONORING ALL NATIVE AMERICAN CODE TALKERS**

Native Americans from many tribes served the United States Armed Forces during World War Two using their native languages as secret codes for communications. The Navajo code was used in every Marine assault in the Pacific and was never decoded by the Japanese cryptographers. The contributions of the code talkers were kept secret long after the end of the War, not being revealed until 1968, and thereby denying them the public recognition they so richly deserved and still deserve. The Congress acknowledged the contributions of the Navajo Code Talkers by the issuance of the Gold Medal of Recognition, but recognition of the contributions of members of other Native American Tribes is still lacking.

The Jewish War Veterans of the USA urges Congress to promptly recognize the Code Talkers from other Tribes in a like manner as was accorded members of the Navajo Tribe.

### **PROSTATE SCREENING REQUIRED BY THE DEPARTMENT OF VETERANS AFFAIRS**

The Department of Veterans Affairs is the source of primary medical care to a large percentage of the veteran population, which contains a large number of aging males. A significant segment of this population requires regular screening for prostate cancer, and the Department of Veterans Affairs has the ability to communicate the medical necessity for this procedure to those groups of veterans who are “at risk.”

The Jewish War Veterans of the USA urges that the Department of Veterans Affairs recommend to those male veterans who are members of “at risk” groups that they undergo prostate cancer screening.

### **‘SONNY’ MONTGOMERY**

Gillespie V. “Sonny” Montgomery passed away on May 12, 2006, at the age of 85. He was the author of the “Montgomery Bill,” the most comprehensive bill of educational rights passed by Congress in recent history. Sonny Montgomery served with the Army in Europe during World War Two, earning the Bronze Star and Combat Infantryman’s Badge, and then entered into the Mississippi National Guard, retiring as a Major General. He served in the House of Representatives for over 30 years, many as a member of the House Veterans Affairs Committee, including as Chair and Ranking Minority Member. Those years of his service on that Committee were marked as an era of nonpartisanship and strenuous advocacy for veterans by the Congress.

The Jewish War Veterans of the USA sadly notes the passing of Gillespie V. “Sonny” Montgomery and offers its prayers and condolences to his family and friends.

### **STEALTH ATTACK ON THE VETERAN**

Pending before the Congress are the Abolishment of Obsolete Agencies and the Federal Sunset Act and the Federal Review Commission Act. Either of these two pieces of pending legislation could serve as a means of negating laws of Congress that created and secured benefits for veterans and their families. The actions of the proposed Federal Review Commission would be beyond the usual and customary scope of control of the Congress. Before any such legislation, as proposed, is enacted, safeguards must be put into place which ensure and protect the rights of the veterans and their families. The Department of Veterans Affairs is seeking to terminate, eliminate, and reduce the benefits now received by veterans, including terminating the benefits received by 100 percent disabled veterans who fail to notify the DVA of a change of address.

The Jewish War Veterans of the USA opposes the establishment of the Federal Review Commission and the passage of the Abolishment of Obsolete Agencies and

Federal Sunset Act until and unless there are sufficient safeguards which would protect the rights and benefits of the veterans and their families.

The Jewish War Veterans of the USA strongly opposes any efforts on the part of the Department of Veterans Affairs to terminate, eliminate, or reduce the entitlements of any veteran where the veteran has not had the opportunity to have a fair and impartial hearing.

### **SUPPORT FOR FAMILIES AND SERVICE MEMBERS**

The members of our military are serving throughout the world, and their separation is painful for both them and the families they leave behind. The families of the service members too often are overlooked and are in great need of counseling and assistance, and there needs to be increased outreach from the Department of Defense and the Department of Veterans Affairs to these families. There also needs to be greater involvement and coordination with these efforts by the State and local government agencies. There is a moral obligation upon the veterans' service organizations to commit their full resources to fulfill this need.

The Jewish War Veterans of the USA demands that there be a concerted and coordinated effort to meet the emotional and financial requirements of the families of the service members through a combination of resources of a private-public partnership.

### **VETERANS WITH MENTAL HEALTH CONDITIONS**

Special attention is needed in the VA health care system for veterans with mental health conditions. Internal military medical studies and external medical research indicate that the burden of combat related mental illness from OIF/OEF is high. Combat theatre veterans sometimes return with undetected or undiagnosed emotional and mental health conditions. Veterans with serious physical wounds from improvised explosive devices (IEDs) or rocket propelled grenades (RPGs) often also have Traumatic Brain Injury (TBI), which may include PTSD and other mental health related symptoms. Some have labeled TBI as the "signature injury" of the Iraq and Afghanistan conflict. The VA must program and budget sufficient resources to accommodate the growing number of younger

veterans with mental health conditions. JWV urges Congress to place special emphasis on adequate funding for mental health care in the VA system, including rehabilitation, research, and family counseling resources.

Mental health disorders are among the most serious problems facing our returning veterans from Iraq and Afghanistan.

### **STRENGTHEN “SEAMLESS TRANSITION” INITIATIVES**

Much more needs to be done to ensure that returning OIF / OEF combat veterans, including more than a half million Guard and Reserve veterans, receive timely access to DoD and VA benefits and services. Congress must press DoD and VA to speed delivery of an interoperable, bi-directional and standards-based electronic medical record; a “one-stop” separation physical supported by an electronic separation document (DD-214); benefits determination before discharge; sharing of information on military occupational exposures; and consistent and equitable medical and physical evaluation boards (JWV notes that Congress directed a review of Service MEB-PEB policy and procedures in the FY2007 National Defense Authorization Act).

In addition JWV will support action in the following related areas:

Funding for Transition Assistance Program (TAP) services tailored to the National Guard and Reserve environment following release from active duty.

Expansion of VA outreach to provide "benefits delivery at discharge" services in the hometown setting

Authority for employers and employees to contribute to 401k and 403b accounts during mobilization

Enactment of academic protections for mobilized Guard-Reserve students including: academic standing and refund guarantees; and, exemption of Federal student loan payments during activation

Automatic waivers on scheduled civilian licensing / certification / promotion exams scheduled during a mobilization

Authority for reemployment rights for Guard - Reserve spouses who must suspend employment to care for children during mobilization

TRICARE dental coverage for 180 days post-mobilization

JWV will work aggressively to support efforts to realize the goal of “seamless transition” plans and programs.

### **VETERANS' PERSONAL INFORMATION**

Entry into military service generates the collection and processing of vast amounts of sensitive personal data including medical information, background information, social security account data and other information. Personal information is shared at various points of time between the Department of Defense and other federal agencies including the VA to accomplish government purposes and to determine eligibility for certain benefits and compensation.

Personal information security laws, policies and procedures should address basic concerns of currently serving service members, veterans and their dependents: will the government protect my personal information, including my medical records and social security number from release to unauthorized parties? In the event of an unauthorized or fraudulent release of personal information, will the government do all that it can and should to recover the information and protect it from future compromise? If my personal information is released without my endorsement, will the government work to restore my credit worthiness and compensate me in case of financial loss that occurred from the release? Congress is aware that service members and veterans are acutely concerned over the potential theft of their personal information. Legislation was considered in the 109th Congress to establish a Chief Information Officer in the Dept. of VA at the rank of Under Secretary. The FY 2007 Natl. Defense Authorization Act directs DoD to study the feasibility of adopting an alternate ID number for service members instead of the SSAN. JWV urges Congress to provide vigilant oversight of DoD and the VA and other federal agencies to protect veterans' personal information and to enact laws that put teeth into personal identity protection programs.

## **DISABLED VETERANS TAX FAIRNESS**

Many thousands of disabled veterans including military retirees with VA-rated disabilities are denied filing amended tax returns due to the IRS's statute of limitations. This situation is the result of an overburdened, backlogged VA disability claims system. A rising number of claims on appeal take more than three years to resolve leaving some disabled veterans with no access to back taxes they have unfairly paid. Therefore, Congress should enact 'look back' legislation to lift the three-year statute of limitations for filing amended tax returns in the case of disabled veterans who have not received timely disability determinations from the VA. JWV urges Congress to enact “look back” legislation to lift the three-year statute of limitations for filing amended tax returns in the case of disabled veterans who have not received timely disability determinations from the VA.

## **PAIRED ORGAN LEGISLATION FOR BLINDED VETERANS**

Currently Title 38 U.S.C. Paired Organ statute P. L. 87-610 enacted on August 12, 1962, does not define legal blindness for the determination of blindness in a non-service connected eye for a veteran who is blinded in one eye due to service connected injury, so VBA Regulation, Section 1160, is utilized if a veteran incurs loss of vision in the other non-service connected eye. Regulation 1160, paragraph (L.) defines (5/200) as measurement of acuity for “blindness” for an increase in compensation for service connection. However, legal blindness as defined in all 50 states and by the Social Security Administration is vision loss of (20/200 or less, or (20 degree’s peripheral fields or less) loss of central field of vision. The number of service-connected veterans who have sustained blindness in one eye according to VHA data is 13,109 and medical demographic studies indict that the risk of this population developing blindness in the other eye is 5% in the general population up to age 65.

Currently Paired Organ 38 USC 1160 paragraph (L.) includes a definition of 5/200 that prevents most veterans from obtaining service connection benefits if blindness occurs in the non-service connected eye later in life. This section should be changed to reflect current Social Security Disability benefits regulations along with all the 50 state statutes legal definitions of blindness as being 20/200, so the small percentage of veterans

who do develop blindness in the non-service connected eye are rated appropriately for the loss of vision under Paired Organ section of USC Title 38.

Currently 98 young OIF and OEF veterans who have served our nation in the War in Iraq or Afghanistan, are service connected already for blindness in one eye, but Walter Reed Army Medical Center reports more than 250 service members have returned with blindness in one eye. These along with the other 13,109 blinded service connected veterans should not have to worry that if later in life they unfortunately sustain an injury or illness in the remaining non-service connected eye, that the VA would not be able to appropriately compensate them for legal blindness in both eyes.

VA records reveal that veterans receiving disability compensation are, on average, 57 years of age. According to information from the National Institutes of Health and a report on vision loss prepared by researchers at the University of Washington, the most common causes of impairment of vision in persons over the age 40 are age-related maculopathy, cataracts, and glaucoma. In the **Journal of the American Medical Association**, Archives of Ophthalmology, Vol. 122, an April 2004 article entitled “Prevalence of Age-Related Macular Degeneration in the United States” reports that only 1.47 percent of the U.S. population age 40-65 have macular degeneration. The figure rises to just 5 percent for in the age range 65-80. For the population exceeding age 80, the articles states, and the percentage rises to 15 percent. Passage of H.R. 2963, therefore, would affect less than 5 percent of the now 13,109 (according to VBA records) service-connected veterans, age 40-80, who are blind in one eye. JWV feels strongly that this relatively small number of soldiers, airmen, sailors, and marines who have developed blindness with a service-connected disability while on active duty should all be rated and treated equitably.

JWV would like to know why a blinded service connected veteran must meet a higher definition of blindness than a non-veteran? We all should ensure that changes occur through legislative action when benefits for disabled, service-connected veterans, are no longer adequately caring for those who have experienced the catastrophic loss of blindness in both eyes. JWV expresses deep appreciation to Representative Tammy

Baldwin for introducing this critical legislation and request a new bill be supported in the 110<sup>th</sup> congress on this legislation as soon as possible.

### **CONCLUSION**

Chairman Filner and Chairman Akaka, on behalf of the Jewish War Veterans of the USA, we sincerely thank you for scheduling our presentation at a time when our National Executive Committee members will be present.

Mr. Chairman, our country is sending thousands of brave young men and women off to war. Our country must, therefore, pay for the costs involved.

At our annual national conventions our members work diligently to develop our legislative priorities. Our dedicated resolutions chairman, PNC Michael Berman, works hard to develop our resolutions and to bring them before our convention delegates. Following further fine-tuning by our convention delegates, our resolutions are finalized, and become our legislative priorities for the coming year. We thank you for the opportunity to present them to you today.